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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EVEYLN PIERSON, et al.

No. C 06-7361 WDB

Plaintiffs,

v.

COUNTY OF ALAMEDA,
et al.

ORDER DENYING REQUEST TO
CONTINUE CASE MANAGEMENT
CONFERENCE AND ORDERING
PLAINTIFFS TO SHOW CAUSE WHY
ACTION SHOULD NOT BE
DISMISSED FOR FAILURE TO
PROSECUTE

Defendants.

This action was filed on November 30, 2006. On April 10, 2007, counsel for Plaintiffs filed an Ex Parte Motion for Administrative Relief from Deadlines seeking to continue the Initial Case Management Conference from May 17, 2007, to July 10, 2007. This is the second time such a request to continue the initial conference has been made.

Having reviewed the Motion and the accompanying Declaration filed under seal, and because Plaintiffs have not yet served any of the Defendants, the Court DENIES the request to continue the Case Management Conference. Under Federal Rule of Civil Procedure 4(m), the presumption is that Defendants will be served within 120 days from the filing of the Complaint. The Court is concerned that the failure timely to serve any of the Defendants will compromise Defendants' capacity to develop their case. Accordingly, the Court ORDERS Plaintiffs' counsel, or Plaintiffs themselves, if at any time they become unrepresented, to

1 appear in person on May 17, 2007, at 4:00 p.m., to explain to the Court why Defendants have
2 not yet been served. Plaintiffs risk dismissal of their case if they fail to appear or fail
3 adequately to explain the delay in service.

4 IT IS FURTHER ORDERED THAT Plaintiffs serve a copy of this Order immediately
5 upon any parties who are served with the Complaint by the hearing date of May 17, 2007.
6 Any such party has a right to be heard at this hearing.

7 IT IS SO ORDERED.

8 Dated: April 11, 2007



WAYNE D. BRAZIL
United States Magistrate Judge

10 Copies to:
11 stats, counsel for plaintiffs,
WDB.

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